

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12196

NAME AND ADDRESS:

P4 PRODUCTION LLC
MONSANTO CO. C/O MINE
SUPERINTENDENT
PO BOX 816
SODA SPRINGS ID 83276

SOURCE:

Source:
BLACKFOOT RIVER

Tributary:
SNAKE RIVER

QUANTITY:

0.010 CFS

~~0.020 CFS~~

3.000 AFY

Right Nos. 27-12196 and 27-12197 are limited to a total combined annual diversion volume of 5.1 AF.

The total combined quantity of water diverted under right nos. 27-12196 and 27-12197 shall not exceed 13,000 gallons per day.

~~The quantity of water under this right shall not exceed 13,000 gallons per day.~~

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

~~T07S R42E S14 SWSE~~ Begin of Stream Flow
Within CARIBOU County

~~T07S R43E S29 SESW~~ End of Stream Flow
Within CARIBOU County

T07S R43E S30 NENWSE
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

06/01 10/31

0.010 CFS 3.00 AFY

~~06/01 11/30~~

~~0.020 CFS~~

PLACE OF USE:

STOCKWATER within CARIBOU County

~~T07S R42E S14 SWSE~~
~~T07S R43E S29 SESW~~

T07S R43E S30 SWNE

T07S R43E S30 NWSE

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 900 range cattle.

This right is a split from former right 27-12039.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 27-12039

(Split into 27-12196 & 27-12197)

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐ place of use

☐ period of use

☐ nature of use

☐ split of water right

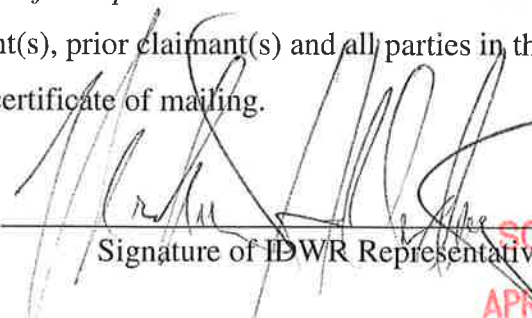
☐ change in ownership

☒ Other – Notice of Diversion

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4/21/2009



Signature of IDWR Representative

SCANNED
APR 23 2009

CERTIFICATE OF MAILING

I certify that on April 23, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
P4 Production LLC
Monsanto Co. C/O Mine Superintendent
PO Box 816
Soda Springs ID 83276

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

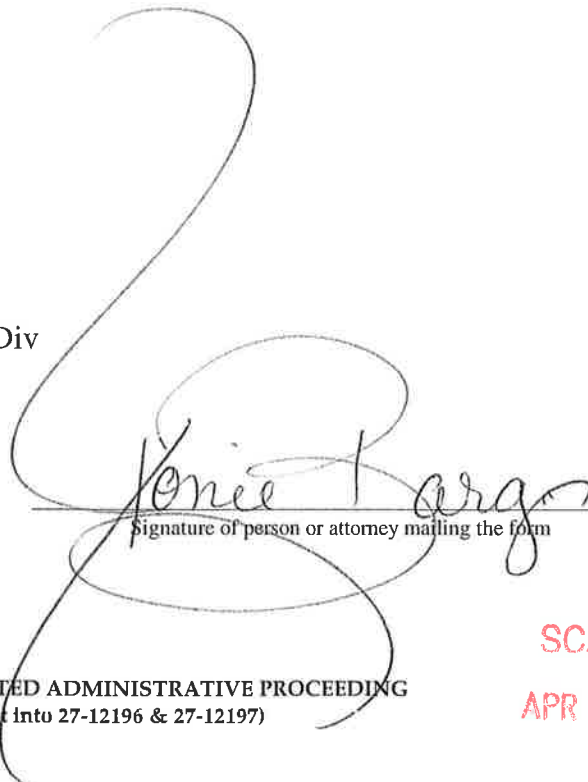
Each party in the subcase, or attorney of record	
P4 Production LLC	Shoshone Bannock Tribes
Represented by:	Represented by:
Randall C Budge	Jeanette Wolfley – Special Counsel
201 E Center Ste A2	202 N Arthur
PO Box 1391	Pocatello ID 83202
Pocatello ID 83204-1391	

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

04/21/2009

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER

27-12039

CLAIM DISPOSITION REASON

Disallowed
Split into: 27-12196 & 27-12197

04/21/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12196

NAME AND ADDRESS: P4 PRODUCTION LLC
MONSANTO CO. C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1939

POINT OF
DIVERSION:

T07S R42E S14 SWSENE Begin of Stream Flow Within CARIBOU County
T07S R43E S29 SESWSW End of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

06/01 11/30

0.020 CFS

PLACE OF USE:

STOCKWATER in CARIBOU County

T07S R42E S14

SWSE

T07S R43E S29

SESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 27-12039 .

SCANNED

APR 23 2009

04/21/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12197

NAME AND ADDRESS: P4 PRODUCTION LLC
MONSANTO CO. C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1939

POINT OF
DIVERSION:

T07S R42E S14 SWSENE Begin of Stream Flow Within CARIBOU County
T07S R43E S29 SESWSW End of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/01 11/30	0.020 CFS

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R42E S14	SWSE	T07S R43E S29	SESW
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 27-12039 .

SCANNED

APR 23 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks for the watering of livestock)

RECEIVED
JAN 18 2005
DEPARTMENT OF
WATER RESOURCES

1. Name of Right Holder J. Frank Scarborough Phone 307 734 8335
Mailing address 14027 Memorial Dr #440 Houston TX 77079
2. Source of water supply Blackfoot River tributary to Snake River
Point of diversion is in Gov't. Lot , NW 1/4 NE 1/4 SE 1/4, Section 30,
Township 7S Range 43E, B.M., Caribou County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion: Solar Pump Plastic Pipe
 - b) Describe the delivery system: buried pipes to trough with float shut off
 - c) Describe the number, type and total capacity of troughs or tanks 2 troughs, factory made, 1,800 gallons
 - d) Describe the automatic shutoff or flow control mechanism or means of Returning unused water to the source: float shut off, return pipe to the river.
 - e) Describe how the system is designed to allow measurement of the rate of diversion: trough capacity
5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
<u>7S</u>	<u>43E</u>	<u>30</u>			<u>X</u>										<u>X</u>			

6. Priority date claimed or established: 4/1/39
7. Rate of diversion: 200 cfs

8. Season of use: From June to October
9. a) Who owns the property at the point of diversion? J. Frank Scarborough
b) Who owns the property at the place of use? J. Frank Scarborough
10. When will construction occur? Summer/fall 2004
11. Comments: _____

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 23rd day of August, 2004

J. Frank Scarborough
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by _____ Date _____ Preliminary check by _____
Fee: \$ 25.00 Receipted by YATJ Receipt No. ED30246 Date 9/13/04
Water District No. _____ Entered into data base _____ By _____